

CLIMATE: EPA sets stage for regulation of greenhouse gases (04/17/2009)

Robin Bravender, E&E reporter

U.S. EPA released a proposed finding today that greenhouse gases threaten public health and welfare, a move that is expected ultimately to trigger broad regulation of those heat-trapping industrial emissions.

EPA released the 133-page proposed "[endangerment finding](#)" in response to a 2007 Supreme Court decision that ordered the agency to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act.

"This finding confirms that greenhouse gas pollution is a serious problem now and for future generations," Administrator Lisa Jackson said in a statement. "Fortunately, it follows President Obama's call for a low carbon economy and strong leadership in Congress on clean energy and climate legislation. This pollution problem has a solution -- one that will create millions of green jobs and end our country's dependence on foreign oil."

The agency is also proposing to find that emissions of carbon dioxide and other greenhouse gases from new motor vehicles are contributing to this mix of greenhouse gases in the atmosphere and are therefore contributing to the endangerment of public health and welfare. The draft does not include any proposed regulations.

Environmentalists hailed the announcement as a victory for environmental protection, while industry groups expressed concern that the finding will spur an avalanche of costly regulations across the economy.

"The EPA decision is historic and a game-changer for climate policy that will have political and policy repercussions domestically and abroad," said Joe Mendelson, global warming policy director at the National Wildlife Federation and a lead author on the original 1999 petition to EPA seeking regulations for greenhouse gases. "This is the single largest step the federal government has taken to fight climate change."

EPA under President George W. Bush dedicated 70 staffers and spent about \$5.3 million on outside government contracts to prepare its response, but senior White House officials resisted finalizing any actions linked to the Supreme Court opinion and ultimately shoved the issue to the Obama administration ([Greenwire](#), Aug. 7, 2008).

The Bush administration opted to link greenhouse gases to threats to public welfare, avoiding the more challenging direct connection to public health, former EPA Associate Deputy Administrator Jason Burnett told E&E last fall.

Sen. Barbara Boxer (D-Calif.), chairwoman of the Environment and Public Works Committee, praised the administration for making the finding but said legislative action would be the best way to tackle carbon regulations.

"The release of EPA's proposed finding that global warming is a threat to public health and welfare is long overdue -- we have lost eight years in this fight," Boxer said in a statement. "The Clean Air Act provides EPA with an effective toolbox for cutting greenhouse gas emissions right now."

"However," Boxer added, "the best and most flexible way to deal with this serious problem is to enact a market based cap and trade system which will help us make the transition to clean energy and will bring us innovation and strong economic growth."

Industry groups and Republicans have long expressed concern that the announcement would lead to broad, crippling regulations.

"Today's action by the EPA is the beginning of a regulatory barrage that will destroy jobs, raise energy prices for consumers and undermine America's global competitiveness," said Sen. James Inhofe (R-Okla.), ranking member of the Environment and Public Works Committee. "It now appears EPA's regulatory reach will find its way into schools, hospitals, assisted living facilities and just about any activity that meets minimum thresholds in the Clean Air Act."

Charles Drevna, president of the National Petrochemical & Refiners Association, said that while EPA's announcement comes as no surprise, the agency failed to address the valid concerns raised by stakeholders and consumers.

"Should the Obama Administration choose to regulate greenhouse gas emissions under the Clean Air Act, it would constitute EPA's single largest and potentially most complex assertion of authority over the U.S. economy and Americans' lifestyles," Drevna said in a statement. "Such regulation would have an enormous impact on every facet of the economy, businesses large and small, as well as on the general population."

EPA will accept public comment on the draft 60 days after publication in the *Federal Register*. The agency is also planning to hold two public hearings on the matter next month.